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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,603	12/29/2003	Richard Doil Lane	030068	8659

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QUALCOMM INCORPORATED
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EXAMINER	
NGUYEN, TU X	
ART UNIT	PAPER NUMBER
2618	

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	03/22/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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Office Action Summary	Application No. 10/748,603	Applicant(s) LANE ET AL.	
	Examiner Tu X Nguyen	Art Unit 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-7,9-19,21-27,29-34,36-41 and 43-53 is/are pending in the application.
- 4a) Of the above claim(s) 2,8,20,28,35 and 42 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-7,9-19,21-27,29-34,36-41 and 43-53 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12/29/03 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

Applicant's amendment with respect to claims 1, 17, 34 and 47, have been considered but are moot in view of the previous ground(s) of rejection.

In response to Applicants argue "In rejecting the claims, the Examiner relies on Kim for disclosing separate broadcast and control channels. More specifically, the Examiner points a common traffic broadcasting channel that carries broadcasting traffic and a secured signal channel carrying control signals. However, in contrast to Applicant's approach, "the secured signal channel for the common traffic broadcasting channel.., is configured to be mapped in time division onto an identical physical channel. (Kim, ¶ [0017]) (emphasis added). This is further illustrated in FIG. 11 of Kim, where the secured signal channel is shown "mapped in time division to a part of the physical channel" carrying the common traffic broadcasting channel. (Kim, ¶ [0054]). These is simply no teaching in Kim, or any other reference cited by the Examiner, that suggest transmitting multimedia and control data on separate physical channels. According, claim 1 is patentable over Kim and McGarrah. Claims 17, 34, and 47 contain similar limitations, and therefore, are also patentable over Kim and McGarrah". The Examiner agrees in this embodiment, Kim teaching control information and multimedia information are transmitted on the same physical channel. However, on an alternative embodiment, Kim discloses control information and multimedia information are transmitted on separated physical channels (see par.019).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3-7, 9-11, 13-19, 21-27, 32-34, 36-41, 43 and 45-50, are rejected under 35 U.S.C. 102(e) as being anticipated over Kim (US Pub. 2003/0078061).

Regarding claims 1 and 47, Kim discloses a communication system, comprising:

at least a broadcast center wirelessly broadcasting at least one multimedia stream (140, fig.3); and at least one wireless receiver receiving the stream over a wireless broadcast link (see par.0039), the receiver being provided with control data associated with the multimedia stream over a bidirectional wireless link (see par.0019), wherein the wireless broadcast link and the bidirectional wireless link are separate (see par.019).

Regarding claims 17, 34 and 47, Kim discloses a method for providing a multimedia stream to a wireless communication device, comprising: broadcasting the multimedia stream over a wireless broadcast channel; and transmitting over a bidirectional wireless link, control data necessary for displaying the multimedia stream on the device (see kim, par.019).

Regarding claim 35, Kim discloses the bidirectional wireless link is not associated with the broadcast link (see par.0033, 0053).

Regarding claims 3, 21 and 36, Kim discloses the broadcast link is unidirectional (see par.0033) and is characterized by at least one of: CDMA principles, GSM principles, and OFDM principles (see par.0035).

Regarding claims 4, 22-23 and 37, Kim discloses the bidirectional wireless link is selected from the group including: a CDMA link (see par.005, "IMT-2000" reads on "CDMA), a GSM link, a 802.11 link, and a Bluetooth link.

Regarding claims 5, 24 and 38, Kim discloses the bidirectional wireless link is a point-to-point wireless communication link (see par.0033).

Regarding claim 6, Kim discloses the receiver is a mobile communication device having at least one display for displaying the multimedia data (see par.019).

Regarding claims 7 and 25, Kim discloses the receiver is a mobile communication device having at least one speaker for presentation of multimedia audio data (see element 124, fig.4).

Regarding claims 18-19, Kim discloses at least some control data is transmitted/received to the wireless device (see par.033).

Regarding claims 26, 39, 40 and 49-50, Kim discloses the control data includes at least one of: at least one key useful in decrypting the multimedia stream (see par.0042), data associated with a subscription to a multimedia broadcast service (see par.0037), data associated with a registration on a multimedia broadcast network, at least one application useful in decoding the multimedia data, billing information, data related to user preferences, and data related to levels of service related to providing the multimedia stream.

Regarding claims 9, 33 and 46, Kim discloses services are ordered over the bidirectional link (see par.018-019. "Commercial" reads on "ordered" with reasonable broadest interpretation).

Regarding claim 10, Kim discloses products are ordered over the bidirectional link (see par.019, "video signal" reads on "product").

Regarding claims 11, 30, 43 and 48, Kim discloses least one digital broadcast multimedia (DBM) controller useful at least for encrypting, encoding and/or aggregating the multimedia stream (see par.0035-036, 0046, "controller" is inherently included in the system).

Regarding claims 13, 32 and 45, Kim discloses control data includes data useful for indexing into the multimedia stream for channel selection and tracking (see par.0046).

Regarding claim 14, Kim discloses at least one network control center communicating with the DBM controller at least for receiving keys there from, the network control center communicating with the wireless receiver over the bidirectional wireless link (see par.0034, 0038).

Regarding claims 15 and 41, Kim discloses at least one NCC controller associated with the network control center at least for providing to receivers applications related to playing multimedia streams (see par.0035).

Regarding claim 16, Kim discloses at least one network operations controller (NOC) associated with the broadcast network operations center at least for providing to receivers applications related to playing multimedia streams through a bidirectional wireless link (see par.0035, 0037-0038).

Regarding claim 27, Kim discloses the control data includes data associated with a subscription to a multimedia broadcast service (see par.0035).

Regarding claims 29 and 42, Kim discloses the control data includes data related to levels of service related to providing the multimedia stream (see par.009).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 12, 31, 44 and 51-53, are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim in view of McGarrah et al. and further in view of McClellan (US Pub. 2004/008794).

Regarding claims 12, 31 and 44, Kim discloses decompressing (see par.007). However Kim fails to disclose de-interleaving and decoding the multimedia stream.

McClellan discloses de-interleaving and decoding the multimedia stream (see par.0052, 0054). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Kim with the above teaching of McClellan in order to provide advantage for the processing modules may operate at a lower speed, or may operate at the highest speed possible and operate in parallel to achieve higher overall transceiver operation.

Regarding claims 51-53, Kim fails to disclose control data associated with multimedia stream includes billing information, data related to user preferences, and data related to levels of service related to providing the multimedia stream.

In the related art, McGarrah et al. disclose control data associated with multimedia stream includes billing information (par.059), data related to user preferences (see par.036), and data related to levels of service related to providing the multimedia stream (see par.058). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Kim with the above teaching of McGarrah et al. in order to provide cost effective data delivery to consumer (as suggested by McGarrah, see par.074-75).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,


however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tu Nguyen whose telephone number is 571-272-7883.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban, can be reached at (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


March 4, 2007


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